



Senate

General Assembly

File No. 391

February Session, 2000

Substitute Senate Bill No. 593

Senate, April 4, 2000

The Committee on Judiciary reported through SEN. WILLIAMS of the 29th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

An Act Concerning Technical Revisions To Validating Provisions.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 4 of public act 99-238 is repealed
2 and the following is substituted in lieu thereof:

3 (b) Insubstantial defects. Any deed, mortgage, lease, power of
4 attorney, release, assignment or other instrument made for the purpose
5 of conveying, leasing, mortgaging or affecting any interest in real
6 property in this state recorded after January 1, 1997, which instrument
7 contains any one or more of the following defects or omissions is as
8 valid as if it had been executed without the defect or omission:

9 (1) The instrument contains an incorrect statement of the date of
10 execution or omits the date of execution;

11 (2) The instrument contains an execution date or other date that is
12 later than the date of recording;

13 (3) The instrument transfers an interest in land by reference to a
14 filed map or subdivision plan and the map or plan does not comply
15 [with any statutory requirement] as to preparation, form, certification,
16 approval or filing with any requirement of any special or general law,
17 municipal ordinance or regulation;

18 (4) The instrument conveys an interest in a lot or parcel of land in a
19 subdivision that was not submitted for approval or that was submitted
20 for approval but was not approved;

21 (5) The record does not disclose the date of recording;

22 (6) The instrument does not disclose any statutorily required
23 signature of the town clerk;

24 (7) The instrument does not contain a statement of consideration;

25 (8) The instrument fails to state the town and state in which the real
26 property described in the instrument is located;

27 [(8)] (9) In the case of a conveyance by a corporation, limited
28 liability company, partnership, limited partnership or limited liability
29 partnership, or by any other entity authorized to hold and convey title
30 to real property within this state, the instrument designated such
31 entity as the grantor but fails to disclose the authority of the individual
32 who executes and acknowledges the instrument;

33 [(9)] (10) In the case of a committee deed, the judge's approval of the
34 sale incorrectly states or fails to state the date of approval of the sale.

35 Sec. 2. (NEW) No use or occupancy of or the presence of any
36 building or other structure erected on a lot or lots either shown on a
37 filed or recorded map or plan of subdivision or located in a
38 subdivision created by the physical division of land into three or more
39 parcels shall be deemed illegal or invalid because the lot or lots on
40 which any building or other structure is located is not shown on an

41 approved plan of subdivision or because the filed or recorded map or
42 plan of subdivision fails in any manner to comply with any
43 requirement of any general or special law, ordinance or regulation.

44 Sec. 3. Section 8 of public act 99-238 is repealed and the following is
45 substituted in lieu thereof:

46 [This act] Public act 99-238 shall take effect from its passage, except
47 that sections 1 to 6, inclusive, shall take effect July 1, 2000, and sections
48 1, 2 and 3, subsection (f) of section 4 and sections 5 and 6 shall apply to
49 errors, irregularities and omissions occurring on or after January 1,
50 1999.

51 Sec. 4. Notwithstanding any provision of the general statutes and
52 substitute house joint resolution number 29 of the 1990 regular session
53 of the General Assembly, the actions of the Criminal Justice
54 Commission at its meeting on June 5, 1996, authorizing the
55 expenditure of funds, is hereby validated.

56 Sec. 5. This act shall take effect from its passage, except that sections
57 1 to 3, inclusive, shall take effect July 1, 2000.

Statement of Legislative Commissioners:

In section 2, "or subdivision" was changed to "of subdivision" for accuracy.

JUD Committee Vote: Yea 40 Nay 0 JFS-LCO

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: See Explanation Below

Affected Agencies: Criminal Justice Commission, Office of the Attorney General, Probate Court (Judicial Department)

Municipal Impact: See Explanation Below

Explanation**State and Municipal Impact:**

The impact of Sections 1 - 3 of the bill, which represent the legal validation of a number of documents, is uncertain.

Section 4 of the bill validates the expenditure of \$7,500 by the Criminal Justice Commission based on an action taken by the Commission on June 5, 1996. The State Auditors reported that this expenditure for reimbursement of legal fees was an excess payment and the Attorney General ultimately filed suit for recovery of the funds. It should be noted that the State Auditors conclusion was based on the approved payment of \$7,500 regarding a \$15,135 claim submitted to the claims commissioner (HJR No. 29 of the 1990 session). Passage of the bill would prevent the Attorney General from pursuing any recovery in this matter.

OLR Bill Analysis

sSB 593

AN ACT CONCERNING TECHNICAL REVISIONS TO VALIDATING PROVISIONS.**SUMMARY:**

This bill validates deeds, mortgages, powers of attorney, releases, assignments, and other documents affecting any real estate interest recorded after January 1, 1997 that (1) transfer a land interest by referring to a filed map or subdivision plan that does not comply with provisions of a special act or municipal ordinance or regulation or (2) do not specify the town or state where the real estate is located.

The bill specifies that the use, occupancy, or presence of any building or other structure cannot be deemed illegal or invalid solely because (1) the lot on which it is located is not shown on an approved subdivision plan or (2) a filed or recorded subdivision map or plan on which it is shown does not comply with state law or local law or regulation.

It makes certain provisions of the 1999 validating act apply to errors, irregularities, and omissions occurring on or after January 1, 1999 instead of on or after July 1, 2000. These relate to local assessment lists, local taxes, local tax collector certificates, continuing real estate tax liens, releases or assignments of mortgages by out-of-state fiduciaries, condominium surveys or plans, time limits to challenge noncompliance with certain notice requirements, and land sales ordered by probate court.

Finally, the bill validates actions taken by the Criminal Justice Commission at its June 5, 1996 meeting authorizing the expenditure of funds.

EFFECTIVE DATE: July 1, 2000, except for the provision relating to the Criminal Justice Commission, which is effective upon passage.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report

Yea 40 Nay 0